

Election #5

Patent

Attorney's Docket No. 030682-066

1/27/00
[Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atsushi MIYANISHI et al.

Application No.: 09/114,203

Filed: July 13, 1998

For: SEMICONDUCTOR DEVICE



Group Art Unit: 2811

Examiner: B. Baumeister

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ELECTION OF SPECIES WITH TRAVERSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully traverse the Election of Species Requirement. It is apparent that the Election designates species based on the different electrode configurations shown in the figures. It is noted that for an election to be proper, an undue burden must be placed upon the Examiner if the election were not required. See MPEP 803. In this instance, Applicants respectfully submit that the concurrent examination of all dependent claims would not create an undue burden on the Examiner. Should the Examiner disagree with this assessment, it is respectfully submitted that at least the concurrent examination of the embodiment shown in Figures 1-7 would not pose any burden on the Office. At least claim 1 is generic to the species shown in Figures 1-7.

Further, claim 6 is generic to the embodiments shown in Figures 8-15. Claim 10 is generic to the embodiment shown in Figures 17, 18, 20 and 21. Claim 4 reads on the species shown in Figures 24 and 25 and claim 5 reads on the species shown in Figures 26 and 27. Hence, there are at most five species; not 25.

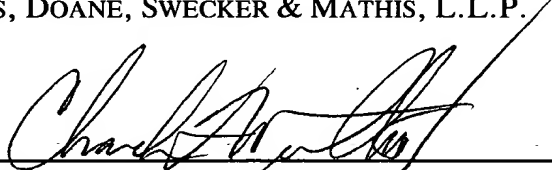
Applicants elect Species I as shown in Figure 1 for examination at this time, if the Election of Species Requirement is not withdrawn. Claim 1 is readable thereon. Upon allowance of generic claim 1, it is believed that all the species shown in Figures 1-7 and claimed in claims 1, 2 and 3 will be rejoined and the claims passed issuance.

In light of the foregoing, Applicants respectfully request withdrawal of the Election of Species Requirement and issuance of favorable action on the merits.

Respectfully submitted,

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